

Exhibit 1

1 CHARLES J. McKEE (SBN 152458)

County Counsel

2 TRACI A. KIRKBRIDE (SBN 195690)

Deputy County Counsel

3 Office of the County Counsel

County of Monterey

4 168 West Alisal Street, 3rd Floor

Salinas, California 93901-2680

5 Telephone: (831) 755-5045

Facsimile: (831) 755-5283

6 Email: kirkbrideta@co.monterey.ca.us

7 Attorneys for Defendants COUNTY OF MONTEREY and
MICHAEL KANALAKIS

9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 JIMMY D. HAWS, SETH DANIEL HAWS,
12 and MIA SKYE HAWS, minors, by and
through their guardian ad litem, CARRIE A.
13 HAWS, and CARRIE A. HAWS,
individually,

Case No. C 07-02599 JF

NOTICE OF UNAVAILABILITY OF
COUNSEL

14 Plaintiffs,

15 v.

16 COUNTY OF MONTEREY, MICHAEL
17 KANALAKIS, NATIVIDAD MEDICAL
CENTER and DOES 1-300, inclusive,

18 Defendants.
19 _____/

20
21 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

22 NOTICE IS HEREBY GIVEN that from November 21, 2007 to November 30, 2007 inclusive,
23 Deputy County Counsel Traci A. Kirkbride will be unavailable for all purposes, including but not
24 limited to receiving notice of any kind, appearing in court, filing responsive pleadings for motions in
25 court, responding to ex parte applications, or attending depositions. You are requested not to schedule
26 any event in this lawsuit during these time periods.

27 Per *Tenderloin Housing Clinic v. Sparks* (1992) 8 Cal.App.4th 299 notice is hereby given that
28 purposely scheduling a conflicting proceedings without good cause may result in sanctions against

1 scheduling party.

2
3 DATED: October 8, 2007.

Respectfully submitted,

4 CHARLES J. McKEE, County Counsel

5
6 By /S/ Traci A. Kirkbride
7 TRACI A. KIRKBRIDE, Deputy County Counsel

8 Attorneys for Defendants COUNTY OF MONTEREY
and MICHAEL KANALAKIS

9 F:\WPWIN60\TXT\LIT\400\Haws\Notice of Unavailability of Counsel.wpd
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Notices

5:07-cv-02599-JF Haws et al v. County Of Monterey et al
ADRMOP, E-Filing, MEDIATION

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

Please note that these Notices are sent for all cases in the system when any case activity occurs, regardless of whether the case is designated for e-filing or not, or whether the activity is the filing of an electronic document or not.

If there are **two** hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

If there is no second hyperlink, there is no electronic document available .

See the FAQ posting 'I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink...' on the ECF home page at for more information.

The following transaction was received from by Kirkbride, Traci entered on 10/9/2007 2:08 PM and filed on 10/9/2007

Case Name: Haws et al v. County Of Monterey et al

Case Number: 5:07-cv-2599

Filer: County Of Monterey
Michael Kanalakakis

Document Number: 36

Docket Text:

NOTICE by County Of Monterey, Michael Kanalakakis *Notice of Unavailability of Counsel* (Kirkbride, Traci) (Filed on 10/9/2007)

5:07-cv-2599 Notice has been electronically mailed to:

Ralph W Boroff rwb_attorney@1stcounsel.com, jean_vitug@hotmail.com

Traci A. Kirkbride kirkbrideta@co.monterey.ca.us, coatsir@co.monterey.ca.us, zazueta@co.monterey.ca.us

Michael Brown Moore mbm@moore-law.net, cbennett@moore-law.net, mross@moore-law.net

David Sheuerman dsheuerman@smtlaw.com

5:07-cv-2599 Notice has been delivered by other means to:

EXHIBIT 1

PAGE 3 OF 4 PAGES

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:F:\WPWIN60\TXT\LIT\400\Haws\Notice of Unavailability of Counsel.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=10/9/2007] [FileNumber=3810129-0]

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204b4078a2ff57990a0f525624803fa20248821a3130a3e35fb9d94186f]]

EXHIBIT 1
PAGE 4 OF 4 PAGES

Exhibit 2

1 CHARLES J. McKEE (SBN 152458)
County Counsel
2 TRACI A. KIRKBRIDE (SBN 195690)
Deputy County Counsel
3 Office of the County Counsel
County of Monterey
4 168 West Alisal Street, 3rd Floor
Salinas, California 93901-2680
5 Telephone: (831) 755-5045
Facsimile: (831) 755-5283
6 Email: kirkbrideta@co.monterey.ca.us

7 Attorneys for Defendants COUNTY OF MONTEREY and
MICHAEL KANALAKIS

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 JIMMY D. HAWS, SETH DANIEL HAWS,
12 and MIA SKYE HAWS, minors, by and
through their guardian ad litem, CARRIE A.
13 HAWS, and CARRIE A. HAWS,
individually,

Case No. C 07-02599 JF

NOTICE OF UNAVAILABILITY OF
COUNSEL

14 Plaintiffs,

15 v.

16 COUNTY OF MONTEREY, MICHAEL
17 KANALAKIS, NATIVIDAD MEDICAL
CENTER and DOES 1-300, inclusive,

18 Defendants.
19 _____/

20
21 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

22 NOTICE IS HEREBY GIVEN that from December 7, 2007 to December 14, 2007 inclusive,
23 Deputy County Counsel Traci A. Kirkbride will be unavailable for all purposes, including but not
24 limited to receiving notice of any kind, appearing in court, filing responsive pleadings for motions in
25 court, responding to ex parte applications, or attending depositions. You are requested not to schedule
26 any event in this lawsuit during these time periods.

27 Per *Tenderloin Housing Clinic v. Sparks* (1992) 8 Cal.App.4th 299 notice is hereby given that
28 purposely scheduling a conflicting proceedings without good cause may result in sanctions against

1 scheduling party.

3 DATED: November 5, 2007.

Respectfully submitted,

CHARLES J. McKEE, County Counsel

By /S/ Traci A. Kirkbride

TRACI A. KIRKBRIDE, Deputy County Counsel

Attorneys for Defendants COUNTY OF MONTEREY
and MICHAEL KANALAKIS

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Notices

5:07-cv-02599-JF Haws et al v. County Of Monterey et al
ADRMOP, E-Filing, MEDIATION

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

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If there is no second hyperlink, there is no electronic document available .

See the FAQ posting 'I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink...' on the ECF home page at for more information.

The following transaction was received from by Kirkbride, Traci entered on 11/5/2007 1:39 PM PST and filed on 11/5/2007

Case Name: Haws et al v. County Of Monterey et al

Case Number: 5:07-cv-2599

Filer: County Of Monterey
Michael Kanalakakis

Document Number: 39

Docket Text:

NOTICE by County Of Monterey, Michael Kanalakakis *Notice of Unavailability of Counsel* (Kirkbride, Traci) (Filed on 11/5/2007)

5:07-cv-2599 Notice has been electronically mailed to:

Ralph W Boroff rwb_attorney@1stcounsel.com, jean_vitug@hotmail.com

Traci A. Kirkbride kirkbrideta@co.monterey.ca.us, coatsir@co.monterey.ca.us, zazueta@co.monterey.ca.us

Michael Brown Moore mbm@moore-law.net, cbennett@moore-law.net, mross@moore-law.net

David Sheuerman dsheuerman@smtlaw.com

5:07-cv-2599 Notice has been delivered by other means to:

EXHIBIT 2
PAGE 3 OF 4 PAGES

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:F:\WPWIN60\TXT\LIT\400- Torts\Haws\Notice of Unavailability of Counsel 120707.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/5/2007] [FileNumber=3888642-0]

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4cf4fab15cfac3c5b382e1fed318bfd2db85df407900487aab2d71c303c]]

EXHIBIT 2
PAGE 4 OF 4 PAGES

Exhibit 3

MICHAEL B. MOORE, ESQ. (SBN 62182)
595 Market Street, Suite 1320
San Francisco, California 94105
Telephone: (415) 956-6500
Facsimile: (415) 956-6580
Email: mbm@moore-law.net

Ralph W. Boroff, Esq.
55 River Street, Suite 100
Santa Cruz, CA 95060
Telephone: (831) 458-0502
Facsimile: (831) 426-0159

Attorneys for Plaintiffs JIMMY D. HAWS & CARRIE A. HAWS

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF THE STATE OF CALIFORNIA
SAN JOSE DIVISION

JIMMY D. HAWS, CARRIE A. HAWS

Plaintiff,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

CASE NO.: C07 02599 RS

**PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: Plaintiffs JIMMY D. HAWS, CARRIE A. HAWS

RESPONDING PARTY: Defendant COUNTY OF MONTEREY

SET NO.: ONE

Plaintiff hereby requests that defendant produce documents in its custody and control responsive to the categories specified below. In searching for and producing said documents, defendant must use all information which is known or available to it, including, but not limited to, information known of its own personal knowledge, information obtainable by a diligent search of sources for information available to it, and all information in the possession or available to any person or persons acting on its behalf or under its control or under the control of any of its attorneys, agents, servants or representatives.

Request For Production of Documents, Set 1

EXHIBIT 3
PAGE 1 OR 30 PAGES

1 Plaintiffs request that defendant produce said documents for inspection and copying at the
 2 offices of Michael B. Moore, 595 Market Street, Suite 1320, San Francisco, California 94105 in
 3 conformance with the provisions of Federal Rules of Civil Procedure, Rule 34, 30 days from the date
 4 of service of this request. As an alternative to the means of production specified above, defendant
 5 may mail or have delivered a true and correct copy of each document to be produced in response to
 6 this request to the requesting party's attorney prior to the date of production specified above.

7 This request is made pursuant to FRCP Rule 34, which requires the responding party to serve
 8 a written response subscribed under oath within the time specified in that section, and which further
 9 requires responding party to identify the documents falling within the category specified below
 10 which are in the possession, custody or control of responding party; and to state that inspection and
 11 related activities will be permitted unless a request is objected to, in which event the reasons for each
 12 objection must be clearly set forward.

13 If responding party contends that any document requested is protected from disclosure by the
 14 attorney/client privilege and/or by the attorney work product doctrine, responding party should
 15 specify the nature of the privilege claimed, describe the precise ground for the protection, and
 16 identify the document with particularity, including its author, date or recipients thereof, the subject
 17 matter, and the number of pages therein.

18 DEFINITIONS

19 Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

20 (1) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents,
 21 your employees, your insurance companies, their agents, their employees, your attorneys, your
 22 accountants, your investigators, and anyone else acting on your behalf.

23 (2) **PERSON** includes a natural person, firm, association, organization, partnership,
 24 business, trust, limited liability company, corporation, or public entity.

25 (3) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and
 26 includes the original or a copy of handwriting, typewriting, printing, photostats, photographs,
 27 electronically stored information, and every other means of recording upon any tangible thing and

1 form of communicating or representation, including letters, words, pictures, sounds or symbols, or
2 combinations of them.

3 4. **INCIDENT** means the attack by Roger Spencer on Jimmy D. Haws which occurred
4 on December 7, 2006 in the stairway area of D-Pod of the Monterey County Jail in Salinas,
5 California.

6 **DOCUMENTS TO BE PRODUCED**

7 **REQUEST NO. 1:**

8 Any photographs in your possession taken at any time before or after the incident relating to
9 the subject incident, or the area where the INCIDENT occurred, including but not limited to, any
10 surveillance videotapes of the INCIDENT.

11 **REQUEST NO. 2:**

12 Any and all DOCUMENTS relating to the detention of Jimmy Haws, including but not
13 limited to arrest records, violence records, discipline records, lockdown records, medical records,
14 mental health evaluations, gang affiliation identification, witness statements, and any other records
15 in your possession, custody or control relating to the detention of Jimmy Haws.

16 **REQUEST NO. 3:**

17 Any and all DOCUMENTS relating to the detention of Roger Spencer, including but not
18 limited to arrest records, violence records, discipline records, lockdown records, medical records,
19 mental health evaluations, gang affiliation identification, witness statements, and any other records
20 in your possession, custody or control relating to the detention of Roger Spencer.

21 **REQUEST NO. 4:**

22 Any and all DOCUMENTS relating to the placement of surveillance cameras in the area
23 where the INCIDENT occurred, and monitoring of the area where the INCIDENT occurred by
24 Monterey County Jail personnel.

25 **REQUEST NO. 5:**

26 Any and all DOCUMENTS relating to the maximum inmate capacity of the Monterey
27 County Jail.

REQUEST NO. 6:

Any and all DOCUMENTS relating to the number of inmates housed at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 7:

Any and all DOCUMENTS relating to the number of inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 8:

Any and all DOCUMENTS relating to the maximum inmate capacity of D-Pod of the Monterey County Jail.

REQUEST NO. 9:

Any and all DOCUMENTS relating to the minimum number of supervisory staff required to supervise inmates housed at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 10:

Any and all DOCUMENTS relating to the identities and number of supervisory staff on duty and assigned to supervise inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 11:

Any and all DOCUMENTS relating to the segregation of those inmates accused of violent offenses from the inmate population accused of non-violent offenses.

REQUEST NO. 12:

Any and all DOCUMENTS, including but not limited to, all policy and procedure manuals in effect at the time of the INCIDENT, relating to how cell mates were assigned at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 13:

Any and all DOCUMENTS, including but not limited to, all policy and procedure manuals in effect at the time of the INCIDENT, relating to safe and proper staffing levels at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 14:

Any and all DOCUMENTS, including but not limited to, all policy and procedure manuals in effect at the time of the INCIDENT, relating to how cell blocks were to be monitored and/or supervised at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 15:

Any and all DOCUMENTS relating to any potential safety problems posed by any inmate housed in D-Pod at any time prior to the INCIDENT.

REQUEST NO. 16:

Any and all DOCUMENTS relating to any potential safety problems posed by Jimmy Haws at any time prior to the INCIDENT.

REQUEST NO. 17:

Any and all DOCUMENTS relating to any potential safety problems posed by Roger Spencer at any time prior to the INCIDENT.

REQUEST NO. 18:

Any and all policy and procedure manuals applicable to the supervision of inmates at the Monterey County Jail in effect at the time of the INCIDENT, including but not limited to, the manner in which supervision was supposed to be carried out, the length of supervisory employee shifts, and the length of overtime shifts.

REQUEST NO. 19:

Any and all policy and procedure manuals applicable to the safety of inmates at the Monterey County Jail in effect at the time of the INCIDENT.

REQUEST NO. 20:

All DOCUMENTS relating to the persons on duty at the Monterey County Jail at the time of the INCIDENT.

REQUEST NO. 21:

Any and all DOCUMENTS relating to the decision to drop all charges against Jimmy Haws, including but not limited to, the reason said decision was made, and the identities of all persons

1 involved in making this decision.

2 **REQUEST NO. 22:**

3 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
4 supervising inmates housed in D-Pod at the time of the INCIDENT.

5 **REQUEST NO. 23:**

6 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
7 supervising Jimmy Haws at the time of the INCIDENT.

8 **REQUEST NO. 24:**

9 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
10 supervising Roger Spencer at the time of the INCIDENT.

11 **REQUEST NO. 25:**

12 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
13 assigning inmate Roger Spencer and inmate Jimmy Haws as cell mates.

14 **REQUEST NO. 26:**

15 Any and all DOCUMENTS relating to the identities of the inmates housed in D-Pod at the
16 time of the INCIDENT.

17 **REQUEST NO. 27:**

18 Any audiotapes and tape recordings of radio transmissions or other memorialized audio
19 communications in your possession taken at any time before or after the INCIDENT relating to the
20 subject INCIDENT, or the area where the INCIDENT occurred, including but not limited to, the
21 response to the INCIDENT.

22 **REQUEST NO. 28:**

23 Any and all DOCUMENTS relating to the training and discipline records of the supervisory
24 staff on duty and assigned to supervise inmates housed in D-Pod of the Monterey County Jail on the
25 day of the INCIDENT.

26 **REQUEST NO. 29:**

27 Any and all chain of command DOCUMENTS, including any and all memorandum, crime
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1 and incident reports relating to the INCIDENT.

2 **REQUEST NO. 30:**

3 Any and all files in the possession of the County of Monterey relating to Jimmy Haws.

4 **REQUEST NO. 31:**

5 Any and all files in the possession of the County of Monterey relating to Roger Spencer.

6 **REQUEST NO. 32:**

7 All DOCUMENTS relating to the placement of Jimmy Haws in isolation, the offenses for
8 which Jimmy Haws was placed in isolation, and/or any other disciplinary action taken against Jimmy
9 Haws.

10 **REQUEST NO. 33:**

11 All DOCUMENTS relating to the placement of Roger Spencer in isolation, the offenses for
12 which Roger Spencer was placed in isolation, and/or any other disciplinary action taken against
13 Roger Spencer.

14 **REQUEST NO. 34:**

15 All DOCUMENTS relating to the configuration and placement of inmate monitoring
16 equipment in D-Pod of the Monterey County Jail, as it was configured at the time of the INCIDENT,
17 including but not limited to all contracts to install and maintain said inmate monitoring equipment

18 **REQUEST NO. 35:**

19 All DOCUMENTS relating to the prosecution of Roger Spencer as a result of the attack and
20 personal injuries sustained by Jimmy Haws on December 7, 2006.

21 **REQUEST NO. 36:**

22 All DOCUMENTS relating to any and all policies and procedures relating to provisions for
23 responding to and providing emergency medical care to inmates who have serious medical
24 emergencies.

25 **REQUEST NO. 37:**

26 All DOCUMENTS relating to any and all contracts between the County of Monterey and any
27 HEALTH CARE PROVIDER to provide any emergency medical care, and/or inpatient medical
28

1 services to inmates who have serious medical emergencies.

2 **REQUEST NO. 38:**

3 All DOCUMENTS, including but not limited to any first aid certificates and emergency
4 medical training certificates, relating to any and all training in emergency medical care and first aid
5 for any and all persons employed by the County of Monterey at the Monterey County Jail who came
6 in contact with Jimmy Haws on December 7, 2006 after the INCIDENT.

7 **REQUEST NO. 39:**

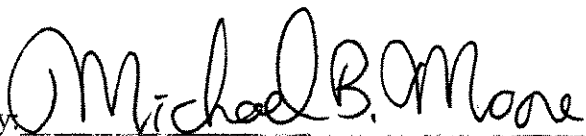
8 Any photographs in your possession taken at any time before the INCIDENT relating to the
9 any physical or verbal confrontations between Jimmy Haws and Roger Spencer prior to the subject
10 INCIDENT, including but not limited to, any surveillance videotapes.

11 **REQUEST NO. 40:**

12 Any photographs in your possession taken at any time before the INCIDENT relating to the
13 any physical or verbal confrontations between Roger Spencer and any other person taken prior to the
14 subject INCIDENT, including but not limited to, any surveillance videotapes.

15
16 LAW OFFICE OF MICHAEL B. MOORE

17
18
19 Dated: October 30, 2007

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27
28
By 
Michael B. Moore

Haws v. County of Monterey, et al
Case No. C07 02599 RS
U. S. District Court - Northern District of California

DECLARATION OF SERVICE BY MAIL
(C.C.P. § 1013a(3), 2009, 2015.5)

I am over the age of 18 years, a citizen of the United States, and not a party to the within entitled cause of action. My business address is 595 Market Street, Suite 1320, San Francisco, California 94105, and I am employed in the City and County of San Francisco, State of California. On the date set forth below I served the documents described below:

1. Plaintiffs' Request For Production of Documents, Set 1
2. Plaintiffs' Specially Prepared Interrogatories, Set 1
3. Plaintiffs' Request For Entry Upon Land For Inspection, Set 1

on the following party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:


Traci Kirkbride, Deputy County Counsel Office of the County Counsel County of Monterey 168 W. Alisal Street Salinas, CA 93901 Attorneys for Defendant County	Ralph W. Boroff, Esq. 55 River Street, Suite 100 Santa Cruz, CA 95060 Co-Counsel for Plaintiffs
--	---

David Sheuerman, Esq.
Sheuerman, Martini & Tabari, P.C.
1033 Willow Street
San Jose, CA 95125
Attorneys for Defendant Natividad

- ☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.
- ☐ (BY HAND) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s)
- ☐ (BY FACSIMILE/ELECTRONIC MAIL/OVERNIGHT MAIL) I caused such document(s) to be transmitted by facsimile/electronically or by overnight mail on this date to the office of the addressee(s).
- ☐ (BY E-FILED WITH THE U.S. DISTRICT COURT) By submitting these documents for Electronic Case Filing, Pursuant to Local Rule 5-4 and General Order 45, at the Law Office of Michael B. Moore, 595 Market Street, Suite 1320, San Francisco, CA 94105.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 31, 2007 at San Francisco, California.


Mark Ross

MONTEREY COUNTY COUNSEL
RECEIVED

2007 NOV 2 PM 1 47

EXHIBIT 3
PAGE 10 OF 30 PAGES

MICHAEL B. MOORE, ESQ. (SBN 62182)
595 Market Street, Suite 1320
San Francisco, California 94105
Telephone: (415) 956-6500
Facsimile: (415) 956-6580
Email: mbm@moore-law.net

Ralph W. Boroff, Esq.
55 River Street, Suite 100
Santa Cruz, CA 95060
Telephone: (831) 458-0502
Facsimile: (831) 426-0159

Attorneys for Plaintiffs JIMMY D. HAWS & CARRIE A. HAWS

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF THE STATE OF CALIFORNIA
SAN JOSE DIVISION

JIMMY D. HAWS, CARRIE A. HAWS

Plaintiff,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

CASE NO.: C07 02599 RS

**PLAINTIFFS' SPECIALLY PREPARED
INTERROGATORIES**

PROPOUNDING PARTY: Plaintiffs JIMMY D. HAWS, CARRIE A. HAWS

RESPONDING PARTY: Defendant COUNTY OF MONTEREY

SET NO.: ONE

Pursuant to Federal Rules of Civil Procedure, Rule 33, plaintiffs hereby request that defendant answer separately and truthfully, in writing, under oath, within thirty (30) days of service hereof, each of the interrogatories set forth below which requires that each answer shall be as complete and straightforward as the information reasonably available to the responding party permits. If an interrogatory cannot be answered completely, it shall be answered to the extent possible. If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, and shall make a reasonable and good faith effort to obtain the

Specially Prepared Interrogatories, Set 1

EXHIBIT

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PAGE 11 OF 30 PAGES

1 information by inquiry to other natural persons or organizations, investigators or other agents.

2 Each interrogatory shall be answered fully unless it is, in good faith, objected to, in which
3 event the reason for the objection shall be stated in detail. If only part of the interrogatory is
4 objectionable, the remainder of the interrogatory shall be answered. If an objection is made to an
5 interrogatory, or part of the interrogatory, the specific grounds for the objection shall be set forth
6 clearly in the response. If an objection is based on a claim of privilege, the particular privilege
7 invoked shall be clearly stated. If an objection is based on a claim that the information sought is
8 protected under the work product doctrine pursuant to California Civil Code §2018, that claim shall
9 be expressly asserted.

10 DEFINITIONS

11 Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- 12 1. **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents,
13 your employees, your insurance companies, their agents, their employees, your attorneys, your
14 accountants, your investigators, and anyone else acting on your behalf.
- 15 2. **PERSON** includes a natural person, firm, association, organization, partnership,
16 business, trust, limited liability company, corporation, or public entity.
- 17 3. **DOCUMENT(s)** means a writing, as defined in Evidence Code section 250, and
18 includes an original or a copy of handwriting, typewriting, printing, photostats, photographs,
19 electronically stored information, and every other means of recording upon any tangible thing and
20 form of communicating or representation, including letters, words, pictures, sounds, or symbols, or
21 combinations of them.
- 22 4. **INCIDENT** means the attack by Roger Spencer on Jimmy D. Haws which occurred
23 on December 7, 2006 in the stairway area of D-Pod of the Monterey County Jail in Salinas,
24 California.

25 SPECIALLY PREPARED INTERROGATORIES

26 INTERROGATORY NO. 1:

27 Identify the offense for which Jimmy Haws was incarcerated.

INTERROGATORY NO. 2:

Identify the classification factors relating to the placement of Jimmy Haws at the Monterey county jail, including but not limited to:

- a. Whether or not Jimmy Haws had a history of violence;
- b. Whether or not Jimmy Haws had a Gang Affiliation;
- c. Whether or not Jimmy Haws exhibited any signs of mental instability or mental disorder;
- d. Any previous arrests or incarcerations, including any disciplinary records relating to prior incarcerations;
- e. Any other factors which were considered when placing Jimmy Haws at the Monterey county jail at the time of the INCIDENT.

INTERROGATORY NO. 3:

Identify the offense for which Roger Spencer was incarcerated.

INTERROGATORY NO. 4:

Identify the classification factors relating to the placement of Roger Spencer at the Monterey county jail, including but not limited to:

- a. Whether or not Roger Spencer had a history of violence;
- b. Whether or not Roger Spencer had a Gang Affiliation;
- c. Whether or not Roger Spencer exhibited any signs of mental instability or mental disorder;
- d. Any previous arrests or incarcerations, including any disciplinary records relating to prior incarcerations;
- e. Any other factors which were considered when placing Roger Spencer at the Monterey county jail at the time of the INCIDENT.

INTERROGATORY NO. 5:

Identify any and all violent confrontations and/or threats of violence involving Roger Spencer and Jimmy Haws which occurred at the Monterey county jail at any time prior to the INCIDENT,

including but not limited to:

- (a) The facts and circumstances of any violent confrontations and/or threats of violence involving Roger Spencer and Jimmy Haws ;
- (b) The identities of any and all inmates who witnessed any violent confrontations and/or threats of violence involving Roger Spencer and Jimmy Haws ;
- (c) The identities of any and all jail employees who witnessed any violent confrontations and/or threats of violence involving Roger Spencer and Jimmy Haws;
- (d) Any and all DOCUMENTS, including all incident reports and chain of command memorandum relating to any violent confrontations and/or threats of violence involving Roger Spencer and Jimmy Haws.

INTERROGATORY NO. 6:

State the inmate capacity of the Monterey County Jail on the day of the incident.

INTERROGATORY NO. 7:

State the inmate capacity of D Pod at the Monterey County Jail on the day of the incident.

INTERROGATORY NO. 8:

State the number of inmates housed at the Monterey County Jail on the day of the INCIDENT.

INTERROGATORY NO. 9:

State the number of inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

INTERROGATORY NO. 10:

State the minimum number of supervisory staff required to supervise inmates housed at the Monterey County Jail on the day of the INCIDENT.

INTERROGATORY NO. 11:

Identify the supervisory staff assigned to supervise inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT, including:

- (a) State the number of supervisory staff assigned to supervise inmates housed in D-

Pod of the Monterey County Jail on the day of the INCIDENT.

(b) The names, and ranks of each supervisory staff assigned to supervise inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

(c) The length of each shift worked on the day of the INCIDENT for each supervisory staff assigned to supervise inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

(d) Identify all DOCUMENTS evidencing items (a) through (c) above.

INTERROGATORY NO. 12:

Identify how cell mates were assigned at the Monterey County Jail on the day of the INCIDENT.

INTERROGATORY NO. 13:

Identify the identities of the PERSON(S) responsible for assigning inmate Roger Spencer and inmate Jimmy Haws as cell mates.

INTERROGATORY NO. 14:

Identify the names of all inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

INTERROGATORY NO. 15:

Identify the policies and procedures for providing medical care to inmates with serious head injuries which were in effect at the Monterey County Jail on the day of the INCIDENT.

INTERROGATORY NO. 16:

Was Jimmy Haws placed in isolation and/or any disciplinary action taken against Jimmy Haws while incarcerated at the Monterey county jail? If your answer is anything other than an unqualified no, state:

a. The date(s) and nature of the offenses for which Jimmy Haws was placed in isolation and/or any disciplinary action taken against Jimmy Haws;

b. The identities of all witnesses to the offenses for which Jimmy Haws was placed in isolation and/or any disciplinary action taken against Jimmy Haws;

c. The identities of any other inmates allegedly involved with respect to the offenses for which Jimmy Haws was placed in isolation and/or any disciplinary action taken against Jimmy Haws;

d. Any DOCUMENTS relating to the placement of Jimmy Haws in isolation, the offenses for which Jimmy Haws was placed in isolation, and/or any other disciplinary action taken against Jimmy Haws.

INTERROGATORY NO. 17:

Was Roger Spencer placed in isolation and/or any disciplinary action taken against Roger Spencer while incarcerated at the Monterey county jail? If your answer is anything other than an unqualified no, state:

a. The date(s) and nature of the offenses for which Roger Spencer was placed in isolation and/or any disciplinary action taken against Roger Spencer ;

b. The identities of all witnesses to the offenses for which Roger Spencer was placed in isolation and/or any disciplinary action taken against Roger Spencer;

c. The identities of any other inmates allegedly involved with respect to the offenses for which Roger Spencer was placed in isolation and/or any disciplinary action taken against Roger Spencer ;

d. Any DOCUMENTS relating to the placement of Roger Spencer in isolation, the offenses for which Roger Spencer was placed in isolation, and/or any other disciplinary action taken against Roger Spencer.

INTERROGATORY NO. 18:

Identify all contractors, architects, and audio and video companies involved in the construction or equipping of D-Pod of the Monterey County Jail, and identify the scope of work of

///

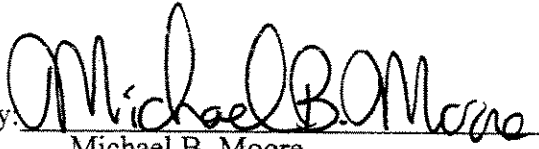
///

///

1 each such contractor architects, and audio and video company.
2
3

4 LAW OFFICE OF MICHAEL B. MOORE

5
6 Dated: October 29, 2007

By: 
Michael B. Moore

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Law Office of Michael B. Moore
595 Market Street, Suite 1320
San Francisco, California 94105
(415) 956-6500 (Tel) (415) 956-6580 (Fax)

Haws v. County of Monterey, et al
Case No. C07 02599 RS
U. S. District Court - Northern District of California

DECLARATION OF SERVICE BY MAIL
(C.C.P. § 1013a(3), 2009, 2015.5)

I am over the age of 18 years, a citizen of the United States, and not a party to the within entitled cause of action. My business address is 595 Market Street, Suite 1320, San Francisco, California 94105, and I am employed in the City and County of San Francisco, State of California. On the date set forth below I served the documents described below:

1. Plaintiffs' Request For Production of Documents, Set 1
2. Plaintiffs' Specially Prepared Interrogatories, Set 1
3. Plaintiffs' Request For Entry Upon Land For Inspection, Set 1

on the following party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Traci Kirkbride, Deputy County Counsel
 Office of the County Counsel
 County of Monterey
 168 W. Alisal Street
 Salinas, CA 93901
Attorneys for Defendant County

Ralph W. Boroff, Esq.
 55 River Street, Suite 100
 Santa Cruz, CA 95060
Co-Counsel for Plaintiffs

David Sheuerman, Esq.
 Sheuerman, Martini & Tabari, P.C.
 1033 Willow Street
 San Jose, CA 95125
Attorneys for Defendant Natividad

- ☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.
- ☐ (BY HAND) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
- ☐ (BY FACSIMILE/ELECTRONIC MAIL/OVERNIGHT MAIL) I caused such document(s) to be transmitted by facsimile/electronically or by overnight mail on this date to the office of the addressee(s).
- ☐ (BY E-FILEING WITH THE U.S. DISTRICT COURT) By submitting these documents for Electronic Case Filing, Pursuant to Local Rule 5-4 and General Order 45, at the Law Office of Michael B. Moore, 595 Market Street, Suite 1320, San Francisco, CA 94105.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 31, 2007 at San Francisco, California.



Mark Ross

EXHIBIT 3
 PAGE 18 OF 30 PAGES

MONTEREY COUNTY COUNSEL ()
RECEIVED

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EXHIBIT 3
PAGE 19 OF 30 PAGES

MICHAEL B. MOORE, ESQ. (SBN 62182)
 595 Market Street, Suite 1320
 San Francisco, California 94105
 Telephone: (415) 956-6500
 Facsimile: (415) 956-6580
 Email: mbm@moore-law.net

Ralph W. Boroff, Esq.
 55 River Street, Suite 100
 Santa Cruz, CA 95060
 Telephone: (831) 458-0502
 Facsimile: (831) 426-0159

Attorneys for Plaintiffs JIMMY D. HAWS & CARRIE A. HAWS

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
 NORTHERN DISTRICT OF THE STATE OF CALIFORNIA
 SAN JOSE DIVISION

JIMMY D. HAWS, CARRIE A. HAWS

Plaintiff,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

CASE NO.: C07 02599 RS

**PLAINTIFFS' FIRST REQUEST FOR
 ENTRY UPON LAND FOR
 INSPECTION**

PROPOUNDING PARTY: Plaintiffs JIMMY D. HAWS, CARRIE A. HAWS

RESPONDING PARTY: Defendant COUNTY OF MONTEREY

SET NO.: ONE

Plaintiff hereby requests that on a mutually convenient date and time to be determined defendant permit the inspection of the premises and tangible things in its custody and control responsive to the categories specified below in conformance with the provisions of Federal Rules of Civil Procedure, Rule 34, 30 days from the date of service of this request.

This request is made pursuant to FRCP Rule 34, which requires the responding party to serve a written response subscribed under oath within the time specified in that section, and which further requires responding party to state that inspection and related activities will be permitted unless a

Request For Entry Upon Land For Inspection, Set 1

EXHIBIT

3

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1 request is objected to, in which event the reasons for each objection must be clearly set forward.

2 **DEFINITIONS**

3 Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

4 (1) **INCIDENT** means the attack by Roger Spencer on Jimmy D. Haws which occurred
5 on December 7, 2006 in the stairway area of D-Pod of the Monterey County Jail in Salinas,
6 California.

7 **PROPERTY TO BE INSPECTED**

8 **REQUEST NO. 1:**

9 D-Pod of the Monterey County Jail.

10 **REQUEST NO. 2:**

11 Surveillance cameras and monitoring stations in the area where the INCIDENT occurred.

12 **REQUEST NO. 3:**

13 Any audiotape and tape recording equipment designed to record radio transmissions in the
14 area where the INCIDENT occurred.

15
16 LAW OFFICE OF MICHAEL B. MOORE
17

18
19 Dated: October 29, 2007

20 By: _____
21 Michael B. Moore
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MICHAEL B. MOORE, ESQ. (SBN 62182)
595 Market Street, Suite 1320
San Francisco, California 94105
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Ralph W. Boroff, Esq.
55 River Street, Suite 100
Santa Cruz, CA 95060
Telephone: (831) 458-0502
Facsimile: (831) 426-0159

Attorneys for Plaintiffs JIMMY D. HAWS & CARRIE A. HAWS

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF THE STATE OF CALIFORNIA
SAN JOSE DIVISION

JIMMY D. HAWS, CARRIE A. HAWS

Plaintiff,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

CASE NO.: C07 02599 RS

**PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: Plaintiffs JIMMY D. HAWS, CARRIE A. HAWS

RESPONDING PARTY: Defendant COUNTY OF MONTEREY

SET NO.: ONE

Plaintiff hereby requests that defendant produce documents in its custody and control responsive to the categories specified below. In searching for and producing said documents, defendant must use all information which is known or available to it, including, but not limited to, information known of its own personal knowledge, information obtainable by a diligent search of sources for information available to it, and all information in the possession or available to any person or persons acting on its behalf or under its control or under the control of any of its attorneys, agents, servants or representatives.

Request For Production of Documents, Set 1

EXHIBIT

3

PAGE 22 OF 30 PAGES

1 Plaintiffs request that defendant produce said documents for inspection and copying at the
 2 offices of Michael B. Moore, 595 Market Street, Suite 1320, San Francisco, California 94105 in
 3 conformance with the provisions of Federal Rules of Civil Procedure, Rule 34, 30 days from the date
 4 of service of this request. As an alternative to the means of production specified above, defendant
 5 may mail or have delivered a true and correct copy of each document to be produced in response to
 6 this request to the requesting party's attorney prior to the date of production specified above.

7 This request is made pursuant to FRCP Rule 34, which requires the responding party to serve
 8 a written response subscribed under oath within the time specified in that section, and which further
 9 requires responding party to identify the documents falling within the category specified below
 10 which are in the possession, custody or control of responding party; and to state that inspection and
 11 related activities will be permitted unless a request is objected to, in which event the reasons for each
 12 objection must be clearly set forward.

13 If responding party contends that any document requested is protected from disclosure by the
 14 attorney/client privilege and/or by the attorney work product doctrine, responding party should
 15 specify the nature of the privilege claimed, describe the precise ground for the protection, and
 16 identify the document with particularity, including its author, date or recipients thereof, the subject
 17 matter, and the number of pages therein.

18 DEFINITIONS

19 Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

20 (1) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents,
 21 your employees, your insurance companies, their agents, their employees, your attorneys, your
 22 accountants, your investigators, and anyone else acting on your behalf.

23 (2) **PERSON** includes a natural person, firm, association, organization, partnership,
 24 business, trust, limited liability company, corporation, or public entity.

25 (3) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and
 26 includes the original or a copy of handwriting, typewriting, printing, photostats, photographs,
 27 electronically stored information, and every other means of recording upon any tangible thing and
 28

1 form of communicating or representation, including letters, words, pictures, sounds or symbols, or
2 combinations of them.

3 4. **INCIDENT** means the attack by Roger Spencer on Jimmy D. Haws which occurred
4 on December 7, 2006 in the stairway area of D-Pod of the Monterey County Jail in Salinas,
5 California.

6 **DOCUMENTS TO BE PRODUCED**

7 **REQUEST NO. 1:**

8 Any photographs in your possession taken at any time before or after the incident relating to
9 the subject incident, or the area where the INCIDENT occurred, including but not limited to, any
10 surveillance videotapes of the INCIDENT.

11 **REQUEST NO. 2:**

12 Any and all DOCUMENTS relating to the detention of Jimmy Haws, including but not
13 limited to arrest records, violence records, discipline records, lockdown records, medical records,
14 mental health evaluations, gang affiliation identification, witness statements, and any other records
15 in your possession, custody or control relating to the detention of Jimmy Haws.

16 **REQUEST NO. 3:**

17 Any and all DOCUMENTS relating to the detention of Roger Spencer, including but not
18 limited to arrest records, violence records, discipline records, lockdown records, medical records,
19 mental health evaluations, gang affiliation identification, witness statements, and any other records
20 in your possession, custody or control relating to the detention of Roger Spencer.

21 **REQUEST NO. 4:**

22 Any and all DOCUMENTS relating to the placement of surveillance cameras in the area
23 where the INCIDENT occurred, and monitoring of the area where the INCIDENT occurred by
24 Monterey County Jail personnel.

25 **REQUEST NO. 5:**

26 Any and all DOCUMENTS relating to the maximum inmate capacity of the Monterey
27 County Jail.

REQUEST NO. 6:

Any and all DOCUMENTS relating to the number of inmates housed at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 7:

Any and all DOCUMENTS relating to the number of inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 8:

Any and all DOCUMENTS relating to the maximum inmate capacity of D-Pod of the Monterey County Jail.

REQUEST NO. 9:

Any and all DOCUMENTS relating to the minimum number of supervisory staff required to supervise inmates housed at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 10:

Any and all DOCUMENTS relating to the identities and number of supervisory staff on duty and assigned to supervise inmates housed in D-Pod of the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 11:

Any and all DOCUMENTS relating to the segregation of those inmates accused of violent offenses from the inmate population accused of non-violent offenses.

REQUEST NO. 12:

Any and all DOCUMENTS, including but not limited to, all policy and procedure manuals in effect at the time of the INCIDENT, relating to how cell mates were assigned at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 13:

Any and all DOCUMENTS, including but not limited to, all policy and procedure manuals in effect at the time of the INCIDENT, relating to safe and proper staffing levels at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 14:

Any and all DOCUMENTS, including but not limited to, all policy and procedure manuals in effect at the time of the INCIDENT, relating to how cell blocks were to be monitored and/or supervised at the Monterey County Jail on the day of the INCIDENT.

REQUEST NO. 15:

Any and all DOCUMENTS relating to any potential safety problems posed by any inmate housed in D-Pod at any time prior to the INCIDENT.

REQUEST NO. 16:

Any and all DOCUMENTS relating to any potential safety problems posed by Jimmy Haws at any time prior to the INCIDENT.

REQUEST NO. 17:

Any and all DOCUMENTS relating to any potential safety problems posed by Roger Spencer at any time prior to the INCIDENT.

REQUEST NO. 18:

Any and all policy and procedure manuals applicable to the supervision of inmates at the Monterey County Jail in effect at the time of the INCIDENT, including but not limited to, the manner in which supervision was supposed to be carried out, the length of supervisory employee shifts, and the length of overtime shifts.

REQUEST NO. 19:

Any and all policy and procedure manuals applicable to the safety of inmates at the Monterey County Jail in effect at the time of the INCIDENT.

REQUEST NO. 20:

All DOCUMENTS relating to the persons on duty at the Monterey County Jail at the time of the INCIDENT.

REQUEST NO. 21:

Any and all DOCUMENTS relating to the decision to drop all charges against Jimmy Haws, including but not limited to, the reason said decision was made, and the identities of all persons

Law Office of Michael B. Moore
595 Market Street, Suite 1320
San Francisco, California 94105
(415) 956-6500 (Tel) (415) 956-6580 (Fax)

1 involved in making this decision.

2 **REQUEST NO. 22:**

3 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
4 supervising inmates housed in D-Pod at the time of the INCIDENT.

5 **REQUEST NO. 23:**

6 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
7 supervising Jimmy Haws at the time of the INCIDENT.

8 **REQUEST NO. 24:**

9 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
10 supervising Roger Spencer at the time of the INCIDENT.

11 **REQUEST NO. 25:**

12 Any and all DOCUMENTS relating to the identities of the PERSON(S) responsible for
13 assigning inmate Roger Spencer and inmate Jimmy Haws as cell mates.

14 **REQUEST NO. 26:**

15 Any and all DOCUMENTS relating to the identities of the inmates housed in D-Pod at the
16 time of the INCIDENT.

17 **REQUEST NO. 27:**

18 Any audiotapes and tape recordings of radio transmissions in your possession taken at any
19 time before or after the incident relating to the subject incident, or the area where the INCIDENT
20 occurred, including but not limited to, the response to the INCIDENT.

21 **REQUEST NO. 28:**

22 Any and all DOCUMENTS relating to the training and discipline records of the supervisory
23 staff on duty and assigned to supervise inmates housed in D-Pod of the Monterey County Jail on the
24 day of the INCIDENT.

25 **REQUEST NO. 29:**

26 Any and all chain of command DOCUMENTS, including any and all memorandum, crime
27 and incident reports relating to the INCIDENT.

28

1 **REQUEST NO. 30:**

2 Any and all files in the possession of the County of Monterey relating to Jimmy Haws.

3 **REQUEST NO. 31:**

4 Any and all files in the possession of the County of Monterey relating to Roger Spencer.

5 **REQUEST NO. 32:**

6 All DOCUMENTS relating to the placement of Jimmy Haws in isolation, the offenses for
7 which Jimmy Haws was placed in isolation, and/or any other disciplinary action taken against Jimmy
8 Haws.

9 **REQUEST NO. 33:**

10 All DOCUMENTS relating to the placement of Roger Spencer in isolation, the offenses for
11 which Roger Spencer was placed in isolation, and/or any other disciplinary action taken against
12 Roger Spencer.

13 **REQUEST NO. 34:**

14 All DOCUMENTS relating to the configuration and placement of inmate monitoring
15 equipment in D-Pod of the Monterey County Jail, as it was configured at the time of the INCIDENT.

16 **REQUEST NO. 35:**

17 All DOCUMENTS relating to the prosecution of Roger Spencer as a result of the attack and
18 personal injuries sustained by Jimmy Haws on December 7, 2006.

20 LAW OFFICE OF MICHAEL B. MOORE

21
22 

23 Dated: October 29, 2007

24 By: _____
Michael B. Moore

1 *Haws v. County of Monterey, et al*
 2 *Case No. C07 02599 RS*
 3 *U. S. District Court - Northern District of California*

4 **DECLARATION OF SERVICE BY MAIL**
 5 **(C.C.P. § 1013a(3), 2009, 2015.5)**

6 I am over the age of 18 years, a citizen of the United States, and not a party to the within
 7 entitled cause of action. My business address is 595 Market Street, Suite 1320, San Francisco,
 8 California 94105, and I am employed in the City and County of San Francisco, State of California.
 9 On the date set forth below I served the documents described below:

1. Plaintiffs' Request For Production of Documents, Set 1
2. Plaintiffs' Specially Prepared Interrogatories, Set 1
3. Plaintiffs' Request For Entry Upon Land For Inspection, Set 1

10 on the following party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope
 11 addressed as follows:

11 Traci Kirkbride, Deputy County Counsel
 12 Office of the County Counsel
 13 County of Monterey
 14 168 W. Alisal Street
 15 Salinas, CA 93901
 16 **Attorneys for Defendant County**

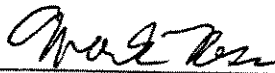
Ralph W. Boroff, Esq.
 55 River Street, Suite 100
 Santa Cruz, CA 95060
Co-Counsel for Plaintiffs

17 David Sheuerman, Esq.
 18 Sheuerman, Martini & Tabari, P.C.
 19 1033 Willow Street
 20 San Jose, CA 95125
 21 **Attorneys for Defendant Natividad**

- 22 ☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United
 23 States mail at San Francisco, California.
- 24 ☐ (BY HAND) I caused such envelope(s) to be delivered by hand this date to the offices of the
 25 addressee(s).
- 26 ☐ (BY FACSIMILE/ELECTRONIC MAIL/OVERNIGHT MAIL) I caused such document(s) to
 27 be transmitted by facsimile/electronically or by overnight mail on this date to the office of the addressee(s).
- 28 ☐ (BY E-FILING WITH THE U.S. DISTRICT COURT) By submitting these documents for
 Electronic Case Filing, Pursuant to Local Rule 5-4 and General Order 45, at the Law Office of Michael B.
 Moore, 595 Market Street, Suite 1320, San Francisco, CA 94105.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 31, 2007 at San Francisco, California.


 Mark Ross

MONTEREY COUNTY COUNSEL (
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EXHIBIT

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Exhibit 4

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PAGE 02/02

LAW OFFICE OF MICHAEL B. MOORE

595 Market Street, Suite 1320 • San Francisco, California 94105

Telephone (415) 956-6500

Facsimile (415) 956-6580

Email: mbm@moore-law.net

November 2, 2007

Via Fax: 831-755-5283

Traci Kirkbride, Deputy County Counsel
Office of the County Counsel
County of Monterey
168 W. Alisal Street
Salinas, CA 93901

Re: *Jimmy D. Haws v. County of Monterey, et al*

Dear Ms. Kirkbride:

In the last several days I served written discovery and I have noticed a number of depositions. I have given the statutory notice but would greatly appreciate it if you would respond to the written discovery sooner than required by statute and if you would contact me about scheduling the depositions to occur sooner than noticed. This request is in line with our previous discussion that we would like to mutually cooperate as much as possible to expedite the exchange of information so that everyone will be fully prepared for the mediation in this matter which is likely to be scheduled in January.

I hope we can work together to have these depositions taken and the documents requested received as soon as possible consistent with the schedules of the attorneys and witnesses involved.

For your easy reference, I will forward by email the deposition notices and discovery to which I am referring.

Very truly yours,



Michael B. Moore

/cjb
Encl.

cc: Ralph W. Boroff, Esq. (letter only by fax)
David Sheuerman, Esq. (letter only by fax)

EXHIBIT 4
PAGE 1 OF 2 PAGES

 **COPY**

LAW OFFICE OF MICHAEL B. MOORE
595 Market Street, Suite 1320 . San Francisco, California 94105
Telephone: (415) 956-6500 . Facsimile: (415) 956-6580

FAX COVER SHEET

DATED: November 2, 2007

TO:	FIRM:	FAX NUMBER:
Traci Kirkbride, Esq.	County of Monterey	831-755-5283
David Sheuerman, Esq.	Sheuerman, Martini & Tabari	408-295-9900
Ralph W. Boroff, Esq.	Ralph W. Boroff P.C.	831-426-0159

FROM: Carolyn J. Bennett
PAGES FAXED: 2 (includes cover sheet)
RE: Haws v. County of Monterey, et al
MESSAGE: No copy by mail.

.....

IMPORTANT NOTICE:

This facsimile message is intended only for the use of the individual to which it is addressed, and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee/agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone call and return the original message to us at the above address by first class mail. Thank you.

EXHIBIT 4
PAGE 2 OF 2 PAGES